

ORDINANCE NO. 11-34

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA; REPEALING AND RESCINDING HIALEAH, FLA., ORDINANCE 10-42 (JUNE 24, 2010) THAT CODIFIED A RED LIGHT TRAFFIC SAFETY SYSTEM AUTHORIZING THE USE OF UNMANNED CAMERAS TO BE CONSISTENT WITH STATE LAW ENACTED IN 2010; ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, based on community dissatisfaction with the red light traffic safety program and continuing legal challenges that confront the operation and implementation of the red light camera traffic safety system, the City Council finds that the repeal of the red light camera traffic safety system regulations are in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City Council of the City of Hialeah hereby repealing and rescinding Hialeah, Fla., Ordinance 10-42 (June 24, 2010) that codified a red light traffic safety system authorizing the use of unmanned cameras.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall

occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective upon cancellation of the agreement with American Traffic Solutions after the ordinance is signed by the Mayor or after the next regularly scheduled City Council meeting if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 28th day of June, 2011.


THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



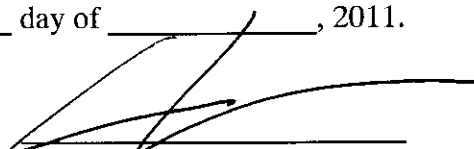
Isis Garcia-Martinez
Council Vice President

Attest:

Approved on this ____ day of _____, 2011.



David Concepcion, Acting City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney